

Portsmouth, Virginia 23704-5004. The comments received will be available for inspection and copying at room 507 at the above address between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:
Ann B. Deaton, Bridge Administrator,
Fifth Coast Guard District, (804) 398-6222.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are Bill H. Brazier, Project Officer, and LT Monica L. Lombardi, Project Attorney.

Discussion of Proposed Rule

The Virginia Department of Transportation has requested that the openings of the drawbridge across the James River, mile 5.0, at Isle of Wight and Newport News, Virginia, be restricted to help reduce rush-hour highway traffic congestion. Currently, the James River Bridge opens for vessel traffic on demand. The Coast Guard is proposing to restrict the passage of vessels during rush hours by eliminating bridge openings between the hours of 6:30 a.m. to 8:30 a.m. and 4 p.m. to 6 p.m., Monday through Friday except Federal holidays, year round. Vessels in an emergency shall pass at any time. The draw shall open on signal at all other times.

This bridge is heavily traveled throughout the day. A twenty-four hour traffic count indicated that peak vehicular traffic occurred from 6:30 a.m. to 8:30 a.m. and 4 p.m. to 6 p.m., Monday through Friday except Federal holidays. Draw openings during this period caused lengthy highway traffic backups, accidents and extensive delays to motorists.

Request for Comments

Interested persons are invited to participate in this rulemaking by submitting written comments or data. Persons submitting comments or data should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended changes to the proposal. The Commander, Fifth Coast Guard District, will evaluate all communications received and determine a final course of action on this proposal. The proposed regulation may be changed based on comments and data received.

Regulatory Evaluation

The proposed regulation is considered to be non major under Executive order 12291 and nonsignificant under the Department of Transportation regulatory

policies and procedures (44 FR 11034, February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the U.S. Coast Guard must consider whether proposed rules will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). The Coast Guard anticipates that these regulations will have no adverse impacts on small entities.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rule will not raise sufficient federalism implications to warrant preparation of a Federalism Assessment.

Environment

This rulemaking has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.g.(5) of Commandant Instruction M16475.1B. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 117 of title 33, Code of Federal Regulations as follows:

**PART 117—DRAWBRIDGE
OPERATIONS REGULATIONS**

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05.1(g)

2. Section 117.1012 is added to read as follows:

§ 117.1012 James River

(a) The James River bridge, mile 5.0, between Isle of Wight and Newport News, shall open on signal; except from 6:30 a.m. to 8:30 a.m. and 4 p.m. to 6 p.m. Monday through Friday, except Federal

holidays, the bridge shall remain closed to navigation.

(b) The bridge shall be opened at anytime for public vessels of the United States and vessels in an emergency which presents danger to life or property.

Dated: June 17, 1992.

W.T. Leland,

*Rear Admiral, Coast Guard, Commander,
Fifth Coast Guard District.*

[FR Doc. 92-15965 Filed 7-8-92; 8:45 am]

BILLING CODE 4910-14-M

**ENVIRONMENTAL PROTECTION
AGENCY**

40 CFR Part 300

[FRL-4151-7]

**National Oil and Hazardous
Substances Pollution Contingency
Plan; National Priorities List; Intent to
Delete Big River Sand Company Site**

AGENCY: The Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) Region VII announces its intent to delete the Big River Sand Company site from the National Priorities List (NPL), 40 CFR part 300, appendix B, and requests public comment on this action. This action is being taken because EPA and the State of Kansas have determined that no further fund-financed remedial action is appropriate at this site, and that actions taken to date are protective of public health, welfare and the environment.

DATES: Comments concerning this site may be submitted on or before August 10, 1992.

ADDRESSES: Comments may be mailed to: Diane Brewer, Waste Management Division/Superfund Branch, U.S. Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Comprehensive information on this site is available for public review at the EPA Region VII Waste Management Division Records Center located at the above address and at the Sedgwick County Public Library, Main Branch, 223 S. Main Street, Wichita, Kansas.

To obtain copies of documents in the public docket contact: Barry Thierer, U.S. Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, (913) 551-7515.

SUPPLEMENTARY INFORMATION:

- I. Introduction
- II. Npl Deletion Criteria
- III. Deletion Procedures
- IV. Basis for Intended Site Deletion

I. Introduction

The Environmental Protection Agency (EPA) Region VII announces its intent to delete the Big River Sand Company site, Wichita, Kansas, from the National Priorities List (NPL), appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR as amended, and requests comments on this deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Response Trust Fund (Fund). Pursuant to section 105(e) of CERCLA, and 300.435(e)(3) of the NCP, any site deleted from the NPL remains eligible for fund-financed remedial actions if conditions at the site warrant such action.

The EPA will accept comments on this site for thirty days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Big Sand site and explains how the site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e)(3), sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA will consider, in consultation with the State, whether any of the following criteria have been met;

- (i) Responsible or other parties have implemented all appropriate response actions required; or
- (ii) All appropriate fund-financed responses under CERCLA have been implemented and EPA, in consultation with the State, has determined that no further cleanup by responsible party is appropriate; or
- (iii) The remedial investigation has determined that the release poses no significant threat to public health or the environment; and, therefore, taking of remedial measures is not appropriate.

Before deciding to delete a site, EPA must first determine that actions taken at the site are protective of public health, welfare and the environment and that no further fund-financed actions are appropriate. In addition, section 121(f)(1)(c) of CERCLA requires State

concurrence for deleting a site from the NPL.

In addition to the above, for all remedial actions which result in hazardous substances, pollutants, or contaminants remaining at the site above levels that allow unlimited use and unrestricted access, it is EPA's policy to review the site at least every five years to ensure that the remedy remains protective of human health and the environment. A 5-year review is appropriate for the Big River Sand Site and will be conducted in 1993. At that time EPA, in consultation with the State, will determine whether human health and the environment remain protected.

Deletion of a site from the NPL does not preclude eligibility for subsequent fund-financed actions if future conditions warrant such actions. Section 105(e) of CERCLA states: "Whenever there has been, after January 1, 1985, a significant release of hazardous substances or pollutants or contaminants from a site which is listed by the President as a 'Site Cleaned Up to Date' on the National Priorities List, the site shall be restored to the National Priorities List without application of the hazard ranking system."

III. Deletion Procedures

According to deletion procedures set forward in § 300.425(e) of the NCP, the agency solicited and received comments on whether the notice and comment procedures followed for adding sites to the NPL should also be used before sites are deleted. Comments were also received in response to the amendments to the NCP that were proposed in the **Federal Register** on February 12, 1985 (50 FR 5862). The NPL is designed primarily for informational purposes and to assist Agency management. As is mentioned in section II of this notice, section 105(e) of CERCLA makes clear that deletion of a site from the NPL does not preclude eligibility for future fund-financed response actions.

The EPA Region VII will accept and evaluate public comments before making the final decision to delete. The Agency believes that deletion procedures should focus on notice and comment at the local level. Comments from the local community are often the most pertinent to deletion decisions. The following procedures were used for the intended deletion of this site:

- 1. EPA Region VII has recommended deletion and has prepared the relevant documents.
- 2. The State of Kansas has concurred with the deletion decision.
- 3. Concurrent with this National Notice of Intent to Delete, a local notice has been published in the local

newspaper and has been distributed to appropriate federal, state and local officials and other interested parties. This local notice announces a thirty (30) day public comment period on the deletion package, which starts July 5 and will conclude on August 4, 1992.

4. The Region has made all relevant documents available in the Regional Office and local site information repository (local library).

Deletion of sites from the NPL does not itself create, alter or revoke any individual's rights or obligations.

The comments received during the notice and comment period will be evaluated before the final decision to delete. The Region will prepare a Responsiveness Summary, which will address the comments received during the public comment period.

A deletion occurs after an EPA Regional Administrator places a final notice of deletion in the **Federal Register**. The NPL will reflect any deletions in the next final update. Public notices and copies of the Responsiveness Summary will be made available to local residents by Region VII.

IV. Basis For Intended Site Deletion

The following summary provides the Agency's rationale for recommending deletion of the Big River Sand Company site, Wichita, Kansas, from the NPL.

The site is located just northwest of Wichita, Kansas, in Sedgwick County. The site consists of approximately 123 acres, half of which have been extensively mined for sand and gravel. Land use adjacent to the site is a mixture of residential and agricultural uses.

Approximately 2,000 drums of paint-related waste were discovered at the site by the Kansas Department of Health and Environment (KDHE) in 1982. The initial site inspection identified damaged, corroded and leaking drums. Sampling conducted by the State detected metals and volatile organic compounds in the ground water and soil. Concentrations of several metals detected in drinking water wells and monitoring wells exceeded Maximum Contaminant Levels (MCL) established by the Safe Drinking Water Act. From 1982 to 1985 KDHE conducted additional sampling and provided oversight on the site cleanup and removal action performed by the property owner.

The site was proposed for the NPL in October 1984, and in May 1986 was placed on the NPL. The EPA initiated a Remedial Investigation (RI) in 1985 to determine the presence and extent of contamination remaining at the site.

The RI found metals in soil and ground water above background levels, but not outside the range of metal concentrations that may be found naturally occurring in soil and ground water. Selenium was detected at 62 micrograms per liter (ug/l) in one monitoring well. Selenium was not detected in any other monitoring wells or in any drinking water wells.

In a Record of Decision signed on June 28, 1988, the Regional Administrator for Region VII selected the No Further Action alternative for the Big River Sand Company site. The EPA in consultation with KDHE, had determined that the site did not pose a significant threat to public health, welfare and the environment and, therefore, taking additional remedial measures was not appropriate.

Community relations activities conducted at EPA included: Development and implementation of a community relations plan for the RI activities; publication in the local newspaper of a notice informing the public of the Public Comment Period (June 1988) and the availability of the Proposed Plan and the RI Report; and briefings with local government officials on the Proposed Plan and site issues.

The EPA, with concurrence of the State of Kansas, has determined that the Big River Sand Company site poses no significant threat to public health or the environment and, therefore, taking of further remedial measure is not appropriate.

Dated: June 29, 1992.

Morris Kay,

Regional Administrator, USEPA Region VII.

[FR Doc. 92-15968 Filed 7-8-92; 8:45 am]

BILLING CODE 6560-50-M

40 CFR PART 180

[OPP-300256; FRL-4073-4]

RIN 2070-AC18

Buffalo Gourd Root Powder; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that an exemption from the requirement of a tolerance be established for residues of buffalo gourd root powder (*Cucurbita foetidissima* root powder) when used as an inert ingredient (gustatory stimulant) in pesticide formulations applied to growing crops only. This proposed regulation was requested by the Microflo Co.

DATES: Comments, identified by the document control number [OPP-300256], must be received on or before August 10, 1992.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operation Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver comments to: Rm. 1128, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. Information submitted as a comment concerning this document may be claimed confidential by marking any part of all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by the EPA without prior notice. The public docket is available for public inspection in Rm. 1128 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Kerry Leifer, Registration Support Branch, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 711L, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 305-5180.

SUPPLEMENTARY INFORMATION: The Microflo Co., 719 Second St., Suite 12, Davis, CA 95616, submitted pesticide petition (PP) 2E4064 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(e), propose to amend 40 CFR 180.1001(d) by establishing an exemption from the requirement of a tolerance for residues of Buffalo gourd root powder (*Cucurbita foetidissima* root powder) when used as an inert ingredient (gustatory stimulant) in pesticide formulations applied to growing crops only.

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125, and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as

carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

The data submitted in the petition and other relevant material have been evaluated. As part of the EPA policy statement on inert ingredients published in the **Federal Register** of April 22, 1987 (52 FR 13305), the Agency established data requirements which will be used to evaluate the risks posed by the presence of an inert ingredient in a pesticide formulation. Exemptions from some or all of the requirements may be granted if it can be determined that the inert ingredient will present minimal or no risk.

The Agency has decided that the data normally required to support the proposed tolerance exemption for buffalo gourd root powder will not need to be submitted. The rationale for this decision is described below.

1. The maximum amount of Buffalo gourd root powder allowable is 2.5 lbs/acre/season, and the maximum amount of cucurbitacin (E and I glycosides) allowable is 3.4 grams/acre/season.

2. Based on a worst-case residue analysis, the expected amount of residue of cucurbitacin on corn grain is 1 ppm.

3. Based on this analysis the amount of residue expected is considered to be of no toxicological concern, and no additional toxicological data are required.

Based upon the above information and review of its use, EPA has found that, when used in accordance with good agricultural practice, this ingredient is useful and a tolerance is not necessary to protect the public health. Therefore, EPA proposes that the exemption from the requirement of a tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must